

JEROME L. GRIMES
263 Vernon Street
San Francisco, CA 94132
In Pro Per, Attorney
Futuristic Safety First,
Children Safety And Welfare Program
HOME BASED BUSINESS OFFICE
(415) 584-1454 (H.)

JEROME L. GRIMES,
Petitioner,
v.

Superior Court of California
San Mateo County,
Deputy District Attorney, Sarah Boxer,
Department #41,
Honorable Judge, Thomas Smith,
Respondents.

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FILED

JUN 26 2007

RICHARD W. WICKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

Writ of Habeas Corpus No.
CV 07-30167 HJS Cw
C07-03647 Cw

"EMERGENCY
MOTION UNDER
CIRCUIT RULE
27-3"

Misdemeanor Conviction Appeal

(Cover Page)

Jerome L. Grimes United States District Court
Case 4:07-cv-03647-CW Document 1 Filed 06/26/07 Page 2 of 95
263 Vernon Street OR The Northern District of California
San Francisco, CA. 94132
In Pro Se, Attorney
Futuristic Safety First,
"Children Safety And Welfare Program"
HOME BASED BUSINESS OFFICE
(415) 584-1454(H.)

Jerome L. Grimes,
Petitioner
V.

Writ Of Habeas Corpus No.

COG-3146-CW

Superior Court of California "CIRCUIT RULE
San Mateo County, 27-3
Deputy District Attorney, Sarah Boxer, CERTIFICATE")
Department #41,
Honorable Judge, Thomas Smith,
Respondents.

I. In Pro Se, Attorney
Jerome L. Grimes
263 Vernon Street
San Francisco, CA. 94132
(415) 584-1454 (H.)

II. On, December 26, 2006, the petitioner's, now, Writ Of Habeas Corpus, was, Mail Tampered and, Filed, as an, "AMENDED WRIT OF HABEAS CORPUS NUMBER: COG-3146-CW", and then, Mail Tampered, AGAIN. This resulted in the petitioner, NOT, being, Notified, that the AMENDED WRIT, was, Not Pending, but still in, Closed-Status. And, NOW, there is a, (7)Seven, (1 of 3)

Days, Sheriff Work Program, "Surrender Date")
"OR", (4) Four, to, (5) Five, Days, In-Custody Jail-
Time, "Surrender Date", of: July 14, 2007,
for a, Misdemeanor Crime of Cocaine-
Crack Pipe/Drug Paraphernalia possession,
which the, In Pro Per, Petitioner, was,
Framed-Up, for, and is, Innocent Of,
on, October 19, 2004.

It appears the, San Mateo County Deputy
Sheriff's, are, Deliberately Indifferent, and
is, Excluding the, Innocent, In Pro Per,
Petitioner, from the, Optional, (7) Seven,
Days, Sheriff Work Program, Out-of-Custody,
and wants the Petitioner, In Pro Per, to
do these, Accruing Civil Damages, In-Custody
Status. (See: Civil Complaint No.: _____)

Jerome L. Grimes v.

Foster City Police Dept.,
Officer, Noel MacDougal #
Officer, Bassanti #
Officer, Tracy Garcia #

This, U.S. District Court, Northern District of California,
July 14, 2007, Surrender Date)
(2 of 3)

puts the, Innocent, In Pro Per, Petitioner, in,
"Imminent Danger Of Further Kidnapping For
A Crime The Foster City Police Officers, Involved
Know I Did, Not, Commit, And Suffer More
Liberty Deprivation, Continuous False Imprisonment
Hardship With The Intent To Intimidate And
Dissuade The Petitioner From Securing, His,
OIL - Royalties Inheritances, And, Prosecuting,
His, Federal Civil Lawsuits, Against, Numerous.
Perpetrators Involved In The Estate Looting
And Child Abductions Of The Petitioner's
Children And Inheritances, monthly, OIL-
Royalty Franchisee Fees Checks.

II. The, Other Parties/Respondents, were not
notified and served, but will be notified
and served on, 28th of June, 2007, by
personal service and delivery.
Dated: June 26, 2007

Jerome L. Grimes
Jerome L. Grimes
Petitioner) In Pro Per

And,
Director of:

- "Futuristic Safety First,
Children Safety And Welfare Program"
(1977-02/10/84) (02/27/81)

1 **PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

2 Name Grimes Jerome L.
(Last) San Mateo County (First) L. (Initial)
3 Case # SM336289A
4 Prisoner Number JHP#32648447, S.F. Jail #: 408761, case #: 2248447
5 Institutional Address Out - Of - Custody
6 263 Vernon St., S.F., CA. 94132 (415)584-1454 (H.)

7 **UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

8 Jerome L. Grimes
(Enter the full name of plaintiff in this action)

9 vs.
10 Superior Court of California
11 San Mateo County
12 Deputy District Attorney Sean Boxer
13 Department #41
14 Judge, Thomas Smith
(Enter the full name of respondent(s) or jailor in this action)

Case No. _____

(To be provided by the clerk of court)

15 **PETITION FOR A WRIT
OF HABEAS CORPUS**

16 **Read Comments Carefully Before Filling In**

17 **When and Where to File**

18 You should file in the Northern District if you were convicted and sentenced in one of these
19 counties: Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa,
20 San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo and Sonoma. You should also file in
21 this district if you are challenging the manner in which your sentence is being executed, such as loss of
22 good time credits, and you are confined in one of these counties. Habeas L.R. 2254-3(a).

23 If you are challenging your conviction or sentence and you were not convicted and sentenced in
24 one of the above-named fifteen counties, your petition will likely be transferred to the United States
25 District Court for the district in which the state court that convicted and sentenced you is located. If
26 you are challenging the execution of your sentence and you are not in prison in one of these counties,
27 your petition will likely be transferred to the district court for the district that includes the institution
28 where you are confined. Habeas L.R. 2254-3(b).

1 Who to Name as Respondent

2 You must name the person in whose actual custody you are. This usually means the Warden or
 3 jailor. Do not name the State of California, a city, a county or the superior court of the county in which
 4 you are imprisoned or by whom you were convicted and sentenced. These are not proper
 5 respondents.

6 If you are not presently in custody pursuant to the state judgment against which you seek relief
 7 but may be subject to such custody in the future (e.g., detainees), you must name the person in whose
 8 custody you are now and the Attorney General of the state in which the judgment you seek to attack
 9 was entered.

10 A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

11 1. What sentence are you challenging in this petition?

12 (a) Name and location of court that imposed sentence (for example; Alameda

13 County Superior Court, Oakland): Superior Court of California Redwood City Facility
 14 County of San Mateo 400 County Center 400 County Center
Redwood City, CA. 94063 Redwood City, CA. 94063

15	Court	Location
16	(b) Case number, if known	<u>SM 336289A</u>
17	(c) Date and terms of sentence	<u>September 28, 2005</u>
18	(d) Are you now in custody serving this term? (Custody means being in jail, on	
19	parole or probation, etc.)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
20	Where?	<u>Court Probation No Bail Warrant</u>
21	Name of Institution:	<u>San Francisco County Jail #2</u>
22	Address:	<u>Cell B-03, 7th Floor</u> <u>850 Bryant Street</u> <u>San Francisco, CA. 94103</u>

23 2. For what crime were you given this sentence? (If your petition challenges a sentence for
 24 more than one crime, list each crime separately using Penal Code numbers if known. If you are
 25 challenging more than one sentence, you should file a different petition for each sentence.)

26 (Frame-Up) Drug Paraphernalia: Cocaine Crack Pipe
Health & Safety Code
11364 Violation

27 Vehicle Code Section 12500 Violation Count I + Count II

1 3. Did you have any of the following?

2 Arraignment: Yes No _____

3 Preliminary Hearing: ONLY, misdemeanor Yes No

4 Motion to Suppress: Non-Statutory motion To Dismiss Yes No _____

5 4. How did you plead?

6 Guilty Not Guilty Nolo Contendere _____

7 Any other plea (specify) _____

8 5. If you went to trial, what kind of trial did you have?

9 Jury Judge alone _____ Judge alone on a transcript _____

10 6. Did you testify at your trial? Yes No

11 7. Did you have an attorney at the following proceedings:

12 (a) Arraignment In Pro Se Yes No

13 (b) Preliminary hearing Yes No

14 (c) Time of plea In Pro Se Yes No

15 (d) Trial In Pro Se Yes No

16 (e) Sentencing In Pro Se Yes No

17 (f) Appeal In Pro Se Yes No

18 (g) Other post-conviction proceeding Yes No In Pro Se

19 8. Did you appeal your conviction?

Yes No

20 (a) If you did, to what court(s) did you appeal?

21 Court of Appeal Yes No

22 Year: _____ Result: _____

23 Supreme Court of California Yes No Writ #: S148111

24 Year: 12/20/06 Result: DENIED

25 Any other court App HAD 4882 Yes No _____ County of San Mateo

26 Year: 2006 Result: Affirmed Superior Ct. of CA

27 (b) If you appealed, were the grounds the same as those that you are raising in this

1 petition? Yes No

2 (c) Was there an opinion? Yes No Not Yet.

3 (d) Did you seek permission to file a late appeal under Rule 31(a)?

4 Yes No

5 If you did, give the name of the court and the result:

6 _____
7 _____

8 9. Other than appeals, have you previously filed any petitions, applications or motions with respect to
9 this conviction in any court, state or federal? Yes No

10 [Note: If you previously filed a petition for a writ of habeas corpus in federal court that
11 challenged the same conviction you are challenging now and if that petition was denied or dismissed
12 with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit
13 for an order authorizing the district court to consider this petition. You may not file a second or
14 subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28
15 U.S.C. §§ 2244(b).]

16 (a) If you sought relief in any proceeding other than an appeal, answer the following
17 questions for each proceeding. Attach extra paper if you need more space.

18 I. Name of Court: U.S. Dist. Ct., Northern Dist. of CA.

19 Type of Proceeding: Writ of Habeas Corpus # 206-3196cw

20 Grounds raised (Be brief but specific):

21 a. Prosecutorial Misconduct Exculpatory Evidence

22 b. Violation of Petitioner's Substantia(l Right
To A Fair Trial).

23 c. _____

24 d. _____

25 Result: Dismissed Without Prejudice Date of Result: June 13, 2006

26 II. Name of Court: Supreme Court of California

27 Type of Proceeding: Writ of Habeas Corpus # S148111

28 Grounds raised (Be brief but specific):

- a. Prosecutorial Misconduct
 - b. Violation of Petitioner's Substantial Right To A Fair Trial (Exculpatory Evidence)
 - c. _____
 - d. _____

Result: Dohiesd Date of Result: December 20, 2006

III. Name of Court: _____

Type of Proceeding: _____

Grounds raised (Be brief but specific):

- a. _____
 - b. _____
 - c. _____
 - d. _____

Result: _____ Date of Result: _____

IV. Name of Court: _____

Type of Proceeding: _____

Grounds raised (Be brief but specific):

- a. _____

b. _____

c. _____

d. _____

Result: _____ Date of Result: _____

(b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

WRT #: CG-3195 CW Yes No

Name and location of court: 450 Golden Gate Ave., SF, CA 94102

B. GROUNDS FOR RELIEF

26 State briefly every reason that you believe you are being confined unlawfully. Give facts to
27 support each claim. For example, what legal right or privilege were you denied? What happened?

28 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

1 need more space. Answer the same questions for each claim.

2 [Note: You must present ALL your claims in your first federal habeas petition. Subsequent
 3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,
 4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One: Prosecutorial Misconduct

6
 7 Supporting Facts: Prosecutor, Deputy District Attorney

8 Sarah Boxer, instead, Jurors, into believing that
 9 the petitioner's California Driving Privileges, in the
 10 State of California, was suspended, on Incident Date:
 11 October 19, 2004, which is, FALSE.

Claim Two:

12 Violation Of Petitioner's Right To Exclude
 13 Evidence

14 Supporting Facts: Prosecutor, Deputy District Attorney,
 15 Sarah Boxer, under 352, moved motion to exclude
In Pro Se, Defendant's, Exculpatory Evidence (Proof of
Declaration In Support Of Non - Statutory Motion
To Dismiss, Parole Officer of State of California,
Signed, Clean And Clear (See Attachment #1)

16 Claim Three: Prosecutorial Misconduct And Victimization

17
 18 Supporting Facts: After, In Pro Se, Defendant's Non - Statutory
Motion To Dismiss Count I, The Prosecutor,
Deputy District Attorney, Sarah Boxer, Punished And
After, Count II, A Vehicle Code Section Violation
Ignoring The Petitioner's, VALID, Colorado Drivers License [Exp. 05/23/13]

19 If any of these grounds was not previously presented to any other court, state briefly which
 20 grounds were not presented and why:

21 Ground Two, was, not clearly identified
 22 Due to the petitioner's, Current, Imminent Danger
 23 Of more serious injuries, Broken Jaw, Re-injury
 24 Potential Food Trays - Breakfast, Lunch, and Dinner
 25 (See: Attachment #1) And (See: Writ #: CO6-3146 CW)
 26
 27
 28 PET. FOR WRIT OF HAB. CORPUS

1 U.S. v. Nesmith, D.C., 121 F. Supp. 758

2 List, by name and citation only, any cases that you think are close factually to yours so that they

3 Ferratta v. California (1975) 422 U.S. 806, 95 S.Ct. 2525 45
 4 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning

5 Ariz. Ed. 2d 562 488 U.S. 51, 109 S.Ct. 333 (1988) 6th Amend. US Const.
 6 of these cases. Right to Create

7 Ariz. v. Goodwin (1982) 458 U.S. 368, 384, 73 L.Ed. 74, 87 A.D. 66

8 People v. Beasley (1984) 21 CA 2d 1532, 1549, 21 CR 2d 73485

9 Blackledge v. Perry (1974) 417 U.S. 21, 29 n.2, 40 L.Ed. 2d 628, 635

10 n.7, 9 S.Ct.

11 People v. Johnson (1991) 233 CA 3d 425, 448, 284 CR 579.

12 People v. Mackay (1985) 176 CA 3d 177, 221 CR 905

13 Belly v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963).

14 Do you have an attorney for this petition? Yes No

15 If you do, give the name and address of your attorney: In Pro Per, Attorney

16 Jerome L. Grimes, 263 Vernon St., S.F., CA. 94132

17 Home Based Business Office, Of: Futuristic Safety First,

18 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in

19 42 Children Safety And Welfare Program.)

20 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

21 Executed on June 26, 2007

22 Date

23 Signature of Petitioner

24 Jerome L. Grimes
 25 Petitioner, In Pro Per

26 And,
 27 Director of:

28 Futuristic Safety First

29 Children Safety And Welfare Program
 30 (1977-02/10/84) (07/27/81)
 31 (10/31/85 Halloween Night)

32 (Rev. 6/02)

Cont': Claim Two, Supporting Facts

Urinalysis Drug Test, Less Than, (12) Twelve, Hours, After, this, Alleged, Violation of the Health & Safety Code: 11364.

And, VALID, State of Colorado, Drivers license, with, Expiration Date of: May 23, 2013 [cocaine at the time of, Alleged, Possession of Drug Paraphernalia] In A motor Vehicle, Violation of: Health & Safety Code: 11364.

Cont', Grounds Not Presented And Why:-

Poisonings, And, Canteen Commissary Food Poisonings, etc,

(Attachment #1)

1 state, and you did not have a California
2 Driver's License. That's all.

3 In terms of the drug crack pipe
4 possession, the judge has now told you that
5 you cannot bring up any information about
6 another person driving.

7 MR. GRIMES: Right, right.

8 MS. BOXER: The car registered to
9 another person.

10 MR. GRIMES: I'm not worried about
11 that.

12 MS. BOXER: I wanted you to know what
13 your evidence is going to be. You cannot
14 bring up any evidence of drug test.

15 MR. GRIMES: I mean, there is still a
16 Federal jurisdiction in regards to the
17 state -- a state actor -- as a stated actor,
18 especially a District Attorney, is also to
19 make sure the innocent do not suffer and the
20 guilty do not escape.

21 So, of course you are my adversary,
22 but you are not my attorney, so I wasn't
23 talking about what my evidence is. I was just
24 presented you can object, but at the same time
25 I was just trying to talk about whether or not
26 we can dispose of the matter without going

Attachment #?
Attachment #1 of 3

1 through peremptory challenges, without going
2 through a jury trial, but I mean if we have
3 to, we have to.

4 So, in regards to the first offer,
5 misdemeanor and all that stuff, I mean if you
6 are willing to go no contest, which is what
7 the other District Attorney told me, no
8 contest, no probation, credit for time served,
9 I've already been incarcerated, I paid bail,
10 and I am definitely innocent of it, so I've
11 been punished.

12 If you were looking whether guilty
13 and punished, and all that, I'm looking at
14 saving the Court time and saving tax payers
15 money, and I'm trying to put this behind me
16 because I've been through this too much, and
17 tomorrow I could be under another attack to
18 Court.

19 Now I'm thinking not being violent of
20 Penal Code 136.1-B, which is trying to badger
21 a W and I. I am an attorney. By stopping me
22 from trying to intimidate me from appearing by
23 getting me framed up and locked up again by
24 lewd and prohibited activities or something
25 that attacked -- I don't know what they might
26 try.

Attachment #8

Attachment #2 of 2

1 officer?

2 MR. GRIMES: Oh, excuse me. It was
3 Exhibit No. 4, identifying as No. 4.

4 THE COURT: You don't have any
5 exhibits. Do you want that marked as an
6 exhibit?

7 MR. GRIMES: Yes, please.

8 THE COURT: May I have that, Officer?
9 The clerk will mark the Defendant's A which is
10 the first exhibit, and what it is, it appears
11 to be a photocopy of a Colorado Driver's
12 License expiring in 2013. I believe that's
13 what it is.

14 You will see that, ladies and
15 gentlemen.

16 (Whereupon, Defendant's Exhibit A was
17 marked for identification.)

18 MR. GRIMES: Q. Okay.

19 THE COURT: That's Defendant's A.

20 MR. GRIMES: And I was just wondering
21 if you could let me know what date the
22 expiration date is.

23 A. 5/23/2013.

24 Q. And, also, the date like issuance
25 date, could you see that on there? It was
26 like right underneath.

Attachment #9
Attachment #3 of 3